

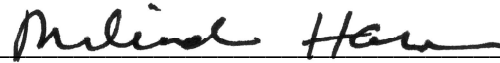
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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|--------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA | } | |
| | } | |
| VS. | } | CRIMINAL ACTION NO. H-06-89-8 |
| | } | CIVIL ACTION NO. H-07-3932 |
| GERMAN ARIAS | } | |

OPINION & ORDER

Presently before the Court are Movant German Arias' Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 392); the Government's Answer and Motion to Dismiss (Doc. 398); and the Magistrate Judge's Memorandum and Recommendation (Doc. 418), recommending that the Movant's Motion to Vacate, Set Aside or Correct Sentence be denied and the Government's Motion to Dismiss be granted. No objections have been filed to the Magistrate Judge's Memorandum and Recommendation. After carefully considering the record and the applicable law, the Court ORDERS that Movant's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and that the Government's Motion to Dismiss is **GRANTED**. The Court adopts the Magistrate Judge's Memorandum and Recommendation in full.

SIGNED at Houston, Texas, this 16th day of April, 2009.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE